UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Roy Coleman,	)	
	)	
Plaintiff,	)	14 C 6427
	)	
vs.	)	Honorable Judge
	)	Virginia M. Kendall
Thomas J. Dart,	)	
	)	
Defendant.	)	

DEFENDANT DART'S ANSWER TO PLAINTIFF'S COMPLAINT

Now Comes Defendant, COOK COUNTY SHERIFF THOMAS DART, by his attorney ANITA ALVAREZ, State's Attorney of Cook County, through her Assistant State's Attorney, Conor T. Fleming, and answers Plaintiff's Complaint as follows:

STATEMENT OF CLAIM

Part A)

1. When I arrived here at CCDOC on 6/16/13; I was placed in a building that was to my understanding was Div. 3, the condemn building that has health hazardous issues. I was put in dorm B-3.

ANSWER: Defendant denies that Division 3 is a condemned building that has health hazardous issues. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 1.

2. They moved me out to Div. 8, dorm 5-G then back to Div. 3 then to Div. 6 and back to Div. 3 again. I will discuss the living conditions of Div. 3 and this include every dorm I've been in; dorm B-3 dorm E-2, dorm A-2, dorm B-4 and dorm B-2 is where I am now.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2.

3. I've been living under these conditions in Division 3 annex No hot water in showers Missing tiles and broke floor Fruit flies, ants, spiders, rats, mice, bed bugs & cock roaches Toilet cloud up Water leaks form sink Not enough time for 48 detainees to take showers from 4:30 to 6:30 Roof leaking Mold & lime in showers bad odors from drains & toilets Paint peeling off of bunks No privacy in the showers & toilet area

ANSWER: Defendant denies the allegations contained in paragraph 3.

Part B)

4. Now to discuss the issue I have with the excruciating pain I incurred from when I was in Div. 8, sleeping on those cold concrete slab type beds.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.

5. Every day I went to the dispensary for them to check my blood pressure. I told them about the pain I had in my right hip.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5.

6. They said that they would schedule me for an appointment to see the doctor. I didn't see the doctor for my hip while I was there.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6.

7. I was move out of Div. 8, around about 1/09/14, back to Div. 3, once here I filled-out many of the yellow medical forms.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7.

8. They would call me to the dispensary and said that they would schedule an appointment for me to see the doctor; but I didn't for a long long time.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8.

9. When I finally saw the doctor, she said that it is possible that my hip pain came from sleeping on that cold concrete bed. She also said that I was going to need therapy treatment and cortisone shots. She showed me a diagram on her computer of the hip and she tried to explain my hip problem to me.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9.

AFFIRMATIVE DEFENSES

NOW COMES Defendant, by his attorney ANITA ALVAREZ, State's Attorney of Cook County, through her assistant, Michael D. Warner, and pleads the following Affirmative Defenses:

AFFIRMATIVE DEFENSE NO. 1:
Qualified Immunity

1. Defendant's conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, Defendant is entitled to the defense of Qualified Immunity.

AFFIRMATIVE DEFENSE NO. 2:
Immunity under Section 1983

1. To the extent that Plaintiff seeks punitive damages in this action, local governments are immune from punitive damages liability under Section 1983. See City of Newport v. Fact Concerts, 453 U.S. 247 (1981).

AFFIRMATIVE DEFENSE NO. 3:
The Illinois Local Governmental and Governmental Employees Tort Immunity Act ("Tort Immunity Act")

1. To the extent Plaintiff's claims sound in state tort law, Defendants are protected by the immunities of the Local Government and Governmental Employee Tort Immunity Act, 745 ILCS 10/1-101, et seq. (the "Tort Immunity Act").

AFFIRMATIVE DEFENSE NO. 4:
Prison Litigation Reform Act

1. To the extent applicable, Plaintiff is governed by the Prison Litigation Reform Act, 42 U.S.C. § 1997(e)(a). See Dale v. Lappin, 376 F. 3d 652, 655 (7th Cir. 2004).

JURY DEMAND

Defendant requests a trial by jury.

Respectfully submitted,

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